IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1189 2006
IN
WRIT PETITION NO. 5499 OF 2003

1. Miss Philonmina Mortin Bhosale,

2. Mrs.Suhasini R. Kulkarni ... Applicants.

V/s.

Indian Red Cross Society
and others. ... Respondents.

Ms.Seema Sarnaik for the applicants.

S.M.Gorwadkar for respondent Nos.1 and 2.

A.P.Vanarase, AGP i/b. K.K.Kumbakoni, Addl.A.G. for respondent Nos.11 and 12.

CORAM: V.C.DAGA, J.

DATED: 20th April 2006.

P.C.:

. Heard learned counsel for the rival parties. Perused petition and civil application.

2. This application is moved by the applicants seeking permission to withdraw the sum of Rs.2,10,118/- and Rs.3,00,558/- respectively.

3. Learned counsel for the applicants submits

that the applicants would be entitled to withdraw

the aforesaid amounts in view of the order of the learned single Judge of this Court dated 18th March, 2004 passed in Writ Petition No.5499/2003 read with order dated 22nd April, 2004 passed in Review Petition No.41/2004.

4. Mr.Gorwadkar, learned counsel appearing for respondent Nos.1 and 2 (original petitioners) has no objection for grant of this application.

5. Mr.Vanarase, learned A.G.P. holding for Shri Kumbhakoni, Associate Advocate General prayed for adjournment. However, no adjournment could be granted since this matter is being called out on third occasion. Previously, it was already adjourned for the benefit of the learned A.G.P.

6. Having gone through the orders referred to, I do not see any difficulty in permitting the applicants to withdraw the amounts claimed by them.

7. In the result, civil application is allowed in terms of prayer clause (c), Registry is directed to pay Rs.2,10,118/- to applicant No.1 and Rs.3,00,558/- to applicant No.2 by drawing

payees' account cheques in their favour.

8. At this stage, learned A.G.P. submits that applicants be directed to furnish security before withdrawal of the amounts. The prayer made cannot be granted in view of the earlier orders of the learned single Judge referred to hereinabove; wherein there is no condition directing security. Prayer made is, thus, rejected.

9. In the result, civil application is granted. It stands disposed of in terms of this order with no order as to costs.

(V.C.DAGA, J.)